REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register:	21 July 1998
Name of applicant/court:	The District Court at Blenheim
Applicant to the Labelling Body:	Not Applicable
Title of Publication:	Untitled
Other Known Titles:	Untitled (Exhibit 58)
Director:	Not Applicable
Producer:	Not Applicable
Publisher:	Not Applicable
Author:	Not Applicable
Format:	Photographic Transparency
Country of Origin:	Not Stated
Language:	Not Applicable

Components of film originally examined:

Feature:	Not Applicable	Running time:
Trailers:		Running time:
		Total Running time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

Classification Decision:

Objectionable.

Display Conditions:

Not Applicable.

Descriptive Note:

… Please turn over

Not Applicable.

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Direction to issue a label has been given on Not Applicable

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SUMMARY OF THE REASONS FOR DECISION:

This untitled photographic transparency is classified as:
Objectionable.

This classification is based on the extent to which the publication exploits the nudity of the child subject, and a consideration of the likely use of the publication. The publication depicts a semi-naked child walking over grass. The child wears only an oversized tee-shirt; her legs and buttocks are exposed. The child is depicted in profile. She looks straight ahead of her and does not engage with the photographer at all, indicating she may not be aware of the photographer's existence. This lack of engagement means the publication presents as somewhat voyeuristic in nature.

In addition, the Classification Office received a submission stating that the owner of the publication took the image without the knowledge of the subject, and that the publication was used by the owner for the purpose of sexual arousal. The Classification Office sought information from the owner on the likely use of the publication, but was informed that the owner had no comment to make in relation to the publication. The Classification Office has therefore given weighting to the fact that the likely use of the transparency is to effect sexual arousal. This considerably increases the extent to which the publication presents as exploitative, and represents a use of the child's image that New Zealand society as a whole would consider unacceptable.

The rights and freedoms contained in the New Zealand Bill of Rights Act 1990 have been considered in relation to this publication. However, the classification given to the publication is considered to be the minimum level of restriction necessary to prevent injury to the public good. This restriction is therefore considered to be a reasonable limit on availability.

OFLC Ref: 9800222